



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

JFW ✓

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,640	04/09/2004	Mark A. Holland	4010.3002 US1

000038473  
ELMORE CRAIG, P.C.  
209 MAIN STREET  
N. CHELMSFORD, MA 01863

CONFIRMATION NO. 9018

## FORMALITIES LETTER



\*OC000000013069038\*

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/22/2004 WASFAW1 00000058 10821640

01 FC:1001	790.00 OP
02 FC:1051	130.00 OP
03 FC:1201	1232.00 OP
04 FC:1202	648.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) All.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1852** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2752** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1852**
  - **\$1204** for **14** independent claims over 3.
  - **\$648** for **36** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

- ☒ **SURCHARGE – SURCHARGE FEE OF \$130**  
*(Separate transmittal letter and postcard not required)*
- ☐ **SEQUENCE LISTING – Filed concurrently and is attached**  
*(Separate transmittal letter and postcard required)*
- ☒ **REPLACEMENT DRAWINGS**  
☒ Sheets of substitute drawings consisting of Figs. 1 – 3B are enclosed.  
*(Separate transmittal letter and postcard not required)*
- ☒ **PETITION FOR EXTENSION OF TIME**  
☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated June 25, 2004 for 2 months from August 25, 2004 to October 25, 2004. The appropriate fee of \$430 is included in the enclosed check.  
☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee.  
☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check.  
*(Separate Petition for Extension of Time and postcard not required)*
- ☐ **REQUEST FOR CORRECTED FILING RECEIPT – Filed concurrently and is attached.**  
*(Separate transmittal letter and postcard required)*
- ☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**  
☐ Applicant claims small entity status.  
☐ Is enclosed herewith *(Separate transmittal letter and postcard not required)*  
☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$3,230.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 502807. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

ELMORE CRAIG, P.C.

By 

Darlene A. Vanstone  
Registration No.: 35,729  
Tel.: (978) 251-3509  
Fax: (978) 251-3973

N. Chelmsford, Massachusetts 01863  
Date: October 19, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark A. Holland and Nicole Lenihan

Application No.: 10/821,640 Group: 1653

Filed: April 9, 2004 Examiner: Not Yet Assigned

Confirmation No.: 9018

For: **BACTERIOPHAGE FOR LYSIS OF *METHYLOBACTERIUM* AND COMPOSITIONS AND USES THEREOF**

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>10/19/04</u>	<u>Rachel Meehan</u>
Date	Signature
Rachel Meehan	
_____ Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

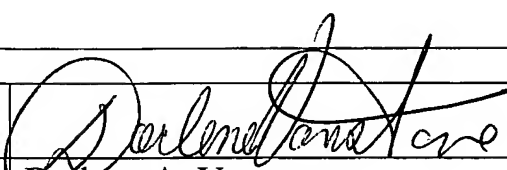
|| 10/22/2004 WASFAW1 00000058 10821640  
‡ 05 FC:1252 430.00 OP

Sir:

In reply to the Notice to File Missing Parts dated June 25, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- [X] **EXECUTED DECLARATION FOR PATENT APPLICATION**  
(Separate transmittal letter and postcard not required)
- [X] **POWER OF ATTORNEY DOCUMENT**  
[ ] GRANTED BY INVENTOR(S)  
[X] GRANTED BY ASSIGNEE, INCLUDING Statement under 37 C.F.R. 3.73(b)  
(Separate transmittal letter and postcard not required)
- [ ] **PRELIMINARY AMENDMENT**  
(Separate transmittal letter and postcard not required)
- [X] **FILING FEE – WITH Fee Transmittal for Patent Applications in duplicate**  
Fee calculations based on:  
[X] Claims as originally filed  
[ ] Claims upon entry of the Preliminary Amendment filed herewith  
(Separate transmittal letter and postcard not required)

**ELMORE CRAIG, P.C.**

<b>FEE TRANSMITTAL FOR PATENT APPLICATIONS</b>		<b>Attorney Docket Number</b>		<b>4010.3002 US1</b>	
		<b>Application Number</b>		<b>10/821,640</b>	
		<b>First Named Inventor</b>		<b>Mark A. Holland</b>	
Claim Calculation (includes any preliminary amendment)					
<b>CLAIMS</b>	<b>(1) For</b>	<b>(2) Number Filed</b>	<b>(3) Number Extra</b>	<b>(4) Rate</b>	<b>(5) Calculations</b>
	Total Claims (37 CFR 1.16(c) (j))	56-20* =	36	x \$ 18 =	\$648
	Independent Claims (37 CFR 1.16(b) or (j))	17-3** =	14	x \$ 88 =	\$1232
	Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))			+ \$ 290 =	\$
		Basic Fee (37 CFR 1.16(a) or (h)) =			\$ 790
		<b>Total of above Calculations =</b>			<b>\$2670</b>
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$
	<b>TOTAL =</b>				<b>\$2670</b>
	Surface – Late Filing of Declaration or filing Fees (37 CFR 1.16(e)) =				\$130
	Petition for Extension of Time Fee (37 CFR 1.17) =				\$430
	Assignment Recordation Fee (only when filed with application) =				\$
	Other =				\$
	* Reissue claims in excel of 20 and over original patent **Reissue independent claims over original patent				<b>TOTAL =</b>
	<b>\$3230</b>				
1. Small entity status: a. <input type="checkbox"/> A small entity statement is enclosed. b. <input type="checkbox"/> A small entity statement was filed in the prior non-provisional application and such status is still proper and desired. c. <input type="checkbox"/> is no longer claimed.  2. <input checked="" type="checkbox"/> A general authorization is hereby granted to charge Deposit Account Number 502807 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.  3. <input checked="" type="checkbox"/> A check is enclosed for <b>\$3,230.00</b> .  4. <input type="checkbox"/> Please charge \$ _____ to Deposit Account Number 502807.  5. <input type="checkbox"/> Other: _____					
Signature				Date	10/19/04
Submitted by Typed or Printed Name		Darlene A. Vanstone		Registration Number	35,729